

Highly Confidential - Attorneys' Eyes Only

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

\_\_\_\_\_  
ORACLE AMERICA, INC., )  
Plaintiff, )  
vs. ) No. CV 10-03561 WHA  
GOOGLE, INC., )  
Defendant. )  
\_\_\_\_\_)

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Videotaped Deposition of DANIEL MORRILL,  
taken at 333 Twin Dolphin Drive, Suite  
400, Redwood Shores, California, commencing  
at 9:43 a.m., Tuesday, July 12, 2011,  
before Leslie Rockwood, RPR, CSR No. 3462.

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**EXHIBIT 2-4**

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<p>1 would prevent those files from installing and running 2 correctly on other compatible devices. Device 3 implementers should use the reference upstream 4 implementation of Dalvik and the reference 5 implementations package management system." 6 Do you see that? 7 A. I do. 8 Q. Did you author this -- those two paragraphs? 9 A. In this form, yes, but I did not originate 10 this section. 11 Q. Okay. The last sentence that I read there 12 with respect to the reference upstream implementation of 13 Dalvik, does that refer to the Dalvik virtual machine? 14 A. It would refer to the source code of the 15 Dalvik virtual machine, yes. 16 Q. Okay. And pursuant to the CDD, Google is 17 instructing the device implementers should use the Dalvik 18 source code; is that correct? 19 A. Device as it is written, device 20 implemented -- -- device implementers should use the 21 reference upstream implementation. 22 Q. Okay. 23 A. It's probably worth noting that this is 24 merely a reinforcement of the language in section -- 25 well, in Section 1 in the introduction where we refer to,</p> <p style="text-align: right;">Page 166</p>	<p>1 Android devices meet the performance thresholds that are 2 shown in the chart below in this Section 9? 3 A. Section 9 is included in the CDD, and the CDD 4 is the definition of a compatible device, yes. 5 Compatible devices must meet the performance 6 specifications in the table -- or in Section 9. 7 Q. Okay. And if you look at the table there, 8 the first row of the table, well, second row, the first 9 row of data is application -- says "application launch 10 time." And the second column there says: "The following 11 applications should launch within the specified time: 12 Browser less than 1300 milliseconds, MMS-SMS less 13 than 700 milliseconds, alarm clock less than 14 650 milliseconds." 15 Do you see that? 16 A. I do. 17 Q. Okay. It's required for an 18 Android-compatible device that these applications launch 19 in these specified times in order to be compatible under 20 the CDD; is that right? 21 A. That is correct. 22 Q. Why is -- why is speed important to Google 23 for the launch of applications? 24 A. Because an end-user might obtain a phone and 25 unknowingly purchase a, you know, poor quality phone,</p> <p style="text-align: right;">Page 168</p>
<p>1 again, the reference implementation and the upstream 2 Android Open Source Project. 3 Q. Okay. Let's refer to Section 10 now. This 4 is on page -- page 18. I'm sorry, I misspoke. Let's 5 look at Section 9 on page 17. It's the bottom of 6 page 17. 7 And the first paragraph, the first sentence 8 there says: "One of the goals of the Android 9 compatibility program is to enable consistent application 10 experience to consumers. Compatible implementations must 11 ensure not only that applications simply run correctly on 12 the device, but that they do so with reasonable 13 performance and overall good user experience." 14 Do you see that? 15 A. I do see that. 16 Q. Did you write that portion? 17 A. I actually think I did not, but I don't 18 recall clearly. 19 Q. Okay. Do you have an understanding of what 20 "reasonable performance" means here? 21 A. In context it would refer to the contents of 22 the table immediately following, but I do not have a 23 precise answer for what "reasonable performance" would 24 be meant -- or would mean here. 25 Q. Okay. Is it a requirement of the CDD that</p> <p style="text-align: right;">Page 167</p>	<p>1 such as it might have an obsolete processor in it or it 2 might have a, you know -- excuse me -- a poor driver 3 implementation or some other defect that makes it 4 unreasonably slow or at least slower than its competitors 5 in its class. 6 This user would then install applications on 7 it, you know, such as from Android market and then judge 8 the quality of those applications in a negative light 9 because the device is slow. In other words, the device's 10 poor performance would reflect -- in the user's eyes, 11 would reflect poorly on the application. Whereas if the 12 user were more informed and knowledgeable, they would 13 know that the blame should properly be placed on the OEM. 14 The intent of this section in the CDD is to 15 make sure that Android devices meet a minimal threshold 16 of performance to rule out the scenario that I just 17 described. So that we can rely on the fact that 18 applications will launch in a reasonable amount of time 19 and that the user will not blame third-party developers 20 for the errors or implementation issues of an OEM. 21 Q. Is the launch speed of applications something 22 that's important to consumers? 23 A. In the way I just described, yes. 24 Q. Okay. And are you aware of portions of 25 Android or elements of Android that are designed to</p> <p style="text-align: right;">Page 169</p>

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